pair. The man was convicted, and afterward the child returne-tome, having eloped in consequence of her severe chattaement. There can be little doubt that fabricated evidence operate-stongly on the minds of the jury. Fabrication is often resorted to by the really guilty to ward off suspicion from themselves. Another rule is that the supposition of guilt must follow from all the facts, and be consitent with all of them, as I have before indicated to you.

With these rules, gentlemen, and bearing them in mind, we will now proceed to consider the case before as. The theory on the part of the prosecution is that the prisoner at the bar committed the offense charged, and they state that she had the intention to do so, by reason of the threats that she used; and, gentlemen, the law regards threats, if used by a person having the power and opportunity of carrying them into execution, and the result threatened has been produced as a strong circumstance, to fasten the guilt upon the party who used those threats or expressions of intention. They are circumstances of peculiar importance and often controlling. It becomes important for you therefore, gentlemen, to consider the proof of the various witnesses in reference to this matter, and carefully to ascertain if any such threats or intentions were avowed by the prisoner at the bar, previous to the death of the deceased. I do not think it necessary, after the very able and full comments of the learned counsel in this case upon the evidence, to go over it particularly with you. I have observed during the trial that you have been most attentive listeners to the evidence, and I have no doubt that all the prominent points of its are deeply engraven on your memory. Upon this point you will remember that the important testimony was that of Hannah Coulan, Davis, a police officer, Willen, and some others of less significance. These witnessee have testified to specific threats, and if they are to be believed, it shows an intention on the part of the accused to in With these rules, gentlemen, and bearing them in estimony was that of Hamma community, which and some others of less alguificance. It, sees have testified to specific threats, and if they are test, it shows an intention on the part of the accused to the community on the deceased, either for a real or fan counsel for the accused had wished to sustain they could have done so. I regard it, how sery little importance whether the decessed hot married to Dr. Burdell on the 28th of OI It does not seem in the view I take of the case to tant consideration. If you are satisfied that they ried, you have a right to assume that in your del you think these causes adequate to satisfy your miinjury, and to the extent expressed, then they are to be taken as strong evidence of success intent; and if you are satisfied that the prisoner had the power, was in the condition, and could obserwise have committed the offense charged, they are evidence that such intent was accomplished. This leads to another laquiry: could the defendant committed offence charged? And this brings us, gettlemen, to the consideration of the traines than the house or the night of 30th January usef. It would seem to be indisputable that it was arranged in the early part of that day that Helen. Commissions the bringanis, gettlemen, to the consideration of the transactions in this house on the night of 30th January and. It would seem to be indisputable that it was arranged in the early part of that day that Helen Countingbain, the daughter of the prisoner, should go with Dr. Beecher the next day, at It o'clock, to Saratogs Springs to school. As soon as this errangement was made in tamily commenced preparations for that event. Taking the testim only of the immates of the house, except that of Hannah Conian, it would appear that all the inconbers of the family, the prisoner, Eckel, the two daughters, and Snodgrass, were estaged till II o'clock in these preparations, when they severally telired to rest, the prisoner and her two daughters occupying the same bed, according to their statement, in the third story front room; that they so occupied it until morning, the prisoner sleeping in the middle between the two daughters, that they arose the next morning, and all took breakfast together as usual, except Mr. Eckel, who was called away by a note from Mr. Ety, as he proved; that after breakfast they all returned to the spatiment together, this third story front room, where they were when Hannah the coak amounced to them the death of the Dector. You will also bear in mind the statement of the daughters as to the dress of their mother on Friday and Saturday. Now, grathemen, if this statement is true, if the testimotics, Now, grathemen, if this statement is true, if the testimotics, of these witnesses is to be taken as establishing these facts, and there is nothing againg to show that they have told what was nature) there can be no doubt that the prisoner did not participate active the provider of the proper of the proposed did not participate the provider of the provider did not participate the provider of the provider of the pro and there is nothing going to show that they have told what intrue) there can be no doubt that the prisoner did not particip lerself in this bloody insgedy. It is for you to say, after a car-and deliberate communition of the testimony, sifting it thorae ly, taking into consideration all the relations of the witnesse; the prisoner, and the circumstances marrated by them, a resulted or discredited by other witnesses, to say whether i-wach testimony as you can safely rely upon. In this connect its proper to consider the theory of the case announced on-let of the prosecution. They rely upon the threats by Pissner toward the deceased, and the bitter feeling of ill-which she so frequently manifested toward him, that has been married to him also was decipaged of a little species. Figure toward the deceased, and the bitter feeding of ill-will which she so frequently manifested toward him: that having been married to him she was desirous of getting speedy possession of a part of his property which was the inducement to the stommission of this crime; the crime, are adequate motives extuated her to perpetrate this crime, are adequate motives therefor. I do not think it necessary, gentlemen, to so into all the causes or reasons urged upon you by the counsel of the prosecution, as evidence or reasons for the creation of this state of feeding between the prisoner and the deceased. Neither is it necessary for me to refer to the times at which those were expressed. If the testimony of Hannah Conlan is to be believed, they were expressed upon the very afternoon of the day of the death of the deceased, showing a continued expression of ill-testing on the part of the prisoner toward the deceased for a period of several months at least. They also allege that she did it, and that on the day the deed was committed she acceptained that the only boarder in the house, except Mr. Eckel, Mr. Ulmann was not to be at home until a late hour that evening; that she had prepared in the attra room a fire to be lighted at any moment for the purpose of destroying the criticance of her guilt; that that deed must have been committed by some that the house, and that she weak he only person in the house that day who had any adequate motive for committing the crime and that he covered it is and have he and person in the house.

that day who had any ade pute motive for committing the crime, and that necessarily it most have been done by her. That at about midnight an offensive smell was perseived in Bond sirest by several persons, and that the same was caused by the burning of clothes. Ac., in a grate of the front attle mon, and that such burning took piece, they as, is evident from the testimony of Dr. Elector farmly.

Mr. Ginton—Dr. Samuel W. Parmly, who lived opposite. In mearence to the testimony upon that subject, you have site. In mearence to the testimony upon that subject, you have it, no donly, fresh upon your mind Dr. Farmly's going out in the evening, his statement to Dr. Errick Parmly that he did smell something offensive when he first went out; his return it against out a second time and his coming in at about 110 'deleak, when he smelt more strongly than before, he thought, a different out; rand the last one he designates particulary as an odar which he thinks arose from a burning of woolen clothe or which he thinks arose from a burning of woolen clothe or which he says he saw from the stops of his house. In this commercian you will bear in mind the statement of Dr. Smith and his sou—the fact that 'Dr. Smith had that very afternoon been burning in his stove pieces of woolen and pieces of leather. Whether or not this offensive odor may not have been created from that source it is for you to say. You will remember the testimony of Dr. Main that he experienced the same smell about the leather, who, with his friends, noticed the same offensive odor shout to clock that morning, and also the testimony of Mr. Baldwin, who, with his friends, noticed the same smell about the leatherman between the winds have the testimony of another young quiternum between the testimony of all this minutes of the house, who came into the leatherman between the winds has been about the owner hand the ward by with his friends, noticed the same smell, and the leatherm of the two owners to the theory which has been tried that this matter could have be

and arrive at such a constnaion with reference to this fact as you may be advased. It costainly is an important fact for you to arrive at in the progress of the case, because if you establish it affirmatively, is show that there must have been some proceeding on the part of the intractes of the bouse to do an autrandinary act, which, under immates of the house to do an extraordinary set, which, under the circumstances naturally and reasonably create an inforesce that they were endeavoring to destroy some evidences of guilt; but if you came to the conclusion that there was no matter of this kind byrned there—that there was no fire on that night, then, gettlemen the prosecution is without any theory, as I saderstand, in reference to destroying evidences of guilt. Therefore, I say it is an important point for you to consider, because if you establish it in the afformative it contains much to elected the theory of the presecution; and if you establish it is the negative, it is a very serious obstacle in the way of establishing their theory.

Third: It is alleged that the conduct of the defendant when the bard of the Dector's death, and her refusal to easily before the Coroner, are evidence of guilt. Now, got testify before the Coroner, are evidence of guilt. Now, got leastly the actual properties of the defendant of the Coroner, are evidence of guilt.

date the theory of the presecution, and if you establish the negative, it is a very serious obstacle in the way of establishing their theory.

Tated: It is alleged that the conduct of the defendant when she heard of the Dector's death, and her refusal to testify before she heard of the Dector's death, and her refusal to testify before she heard of the Dector's death, and her refusal to testify before the Coroner, are evidence of guilt. Now, sputhermen, it is a very ordinary means of ascertaining the fact of guilt or innovers on the conduct of the party on the first communication being made of the offense committed. Now, you nication being made of the offense committed. Now, you recollect the testimony of Hannah Conian, who was the first person who announced the death of Dr. Burdell is the prisoner at the bar; you will bear in mind, gentlemen, whether her conduct that morning in dressing hereaf, going down whair, taking her breakfast with her daughters and the rest of the family, except Mr. Eckel, who was absent, returning to the room in the third story, engaging in her domestic avocation—if the testimony of the witnesses in the house is to be believed—whether that is consistent with the theory of guilt or of innocence; and you are also to bear in mind whether the conduct which she exhibited at the time this communication was made evinced innocence on her part of any instrumentality in the death of the deceased, or whether it evinced a consciousness of guilt. It has been in frequently allided to and accessfully commented upon by all of the counsel who addressed you in the cause, that your attraction to it. It is an important circumstance always that the conduct of the party in the death of the conduct also of the persons asspected when the crime is first charged home upon them. Now, the ordinary evidences of guilt are the conduct of the party after the transaction, flight or concesiment are always regarded as every strong circumstances under which how her was also should be taken into account, whether it evinced

Mr. Clinton—There was no testimony upon that at all.

Mr. Clinton—There was no testimony upon that at all.

Judge Davies—There being no marks proved, I refused to
permit the prisoner to show that there were no marks on her
body, on the principle well established in law, that the party
making the charge must prove it; that it was not necessary that
the party charged to prove a nagative; that innocence is presumed until guilt is proven. Therefore, in the absence of any
proof of any marks upon the person of the prisoner at the bar,
I am to assume that her person exhibited no evidences of this
remounter at all.

I am to assume that her person exhibited no evidences of this remonter at all.

Fourth: The appearance of the clothes of the accused. Now, upon the theory of the prosecution, they not having proved that any clothes in the house were defied or stained, it must be apparent from the testimony of the physician, and the evidences in the room which we have ourselves seen, that the persons who did inflict these injuries must necessarily have been, to a considerable extent, covered with blood. I say that the presecution, not having had it in their power to show any evidences of garments in or about the house thus defiled or stained, unless you shall find the theory that this fire in the room in the attic was prepared, having it ready for burning these clothes, and that this room was used for a purpose like that on that night, is sustained, it follows that, there being no appearance of any stains or of any blood upon any of the garments of the prisoner, or of any in her house at any time, you are bound to consider that there were none. Therefore, I you find that fact, it is very difficult to reconcile the guilt of the accused with the facts which have been proven in this case, and which are manifest and apparent to all, that the person who inflicted these wounds upon Dr Burdell must have upon their clothes or their person marks of blood, if not marks of violence. Now, gentlemen, another evidence—and a striking, if not controlling one, of the guilt of the person charged with murder—is finding upon would upon Dr. Burdell must have upon their clothes or their person marks of blood, if not marks of violence. Now, gendlemen, another evidence—and a striking, if not controlling one, of the guilt of the person charged with murder—is, finding upon accused, wespons with which either the deed was perpetrated, or with which it might have been perpetrated, or in any places, if not upon the person of the accused, over which the accused had exclusive control or possession—as, for instance, the case put by one of the counsel, of a person shot by a platob bail. A platol was found in the possession of the accused with which it was possible the ball had been shot from; and when the dissection took place, the ball found in the body of the deceased would not fit the platol; therefore that presumption which in an ordinary case, if the ball had fitted the platol, would have been regarded as conclusive, failed entirely because the two did not spread as conclusive, failed entirely because the two did not spread as conclusive, failed entirely because the two did not spread would have been a very strong one, may, I may almost say a conclusive one; unless there were some other controling facts that the person in whose possession the weapon was found was incapable of doing it. How is it in this case? There was found in her possession the weapon was found was incapable of doing it. How is it in this case? There was found in her possession this dirk [ashibiting the same to the Jury], which I have had one of the officers of the Count carefully measure. The length is four and a hair inches executly, and its width at the hit less than a hair inch, the blade tapering down to a point. Dr. Uhi say, and I believe there is no pretune that these wounds were inflicted by this instrument, from the measurement of the wounds and a hair heeks exectly and it width at the hit less than a hair inch, the blade tapering down to a point. Dr. Uhi say, and I believe there is no pretune that these wounds could not have been inflicted with this instrument, street, and before she went to the bouse No. 31 Bond street but it is not a very controlling circumstance in any event because it is not pretended or alleged that any one of the wound inflicted upon the decessed was inflicted with a pistol; and the most that could be made of the circumstance, supposing the prisoner had it, was that it is an evidence that she had intended at some time or other (such as the argument on the part of the prosecution) to carry out the intention which she had expressed in reference to injuring Br. Burdell. Whether the possession of the pistol, under these circumstances, is a reasonable and rational presumption for you to draw to this extent, is for you excellence, these.

attonal presumption for you to may to extend the present itself is, had the rentlemen, to say.

The next inquiry, tentlemen, which presents itself is, had the physical strength to inflict these wounds? The next inquiry, gentlemen, which presents itself is, had the prisoner at the bar the physical strength to inflict these wounds? That is a very important question for you to answer, if you get as far as this stage of the case. It is true, gentlemen, and you must bear it in mind, that a person excited could. To determine this question, you must regard the testimony in reference to the strength and resistance which Dr. Burdell might naturally be supposed to make. It seems to me, gentlemen, that this is a very proper point for me to state to you the testimony in reference to the manner in which these wounds were inflicted, saying nothing new about the person who inflicted them. I think all the physicians agree that the first wound was inflicted in the right shoulder, while Dr. Burdell was sitting in the chair at the desk in the center of the room, about midway between the door and the rear of the room. A person, to have inflicted that wound upon him, must necessarily have been in the room when he came in, or what, perhaps, was more probable, concealed in the front room, and came out after he sward himself in his chair; for you will remember, gentlemen, that it is in testimony that the door of the tront room was locked. The other access to these two rooms, which we saw had a passage between them, was from the door of what is called the Doctor's office. To that door he had been, and when he went out, it was his custom, as it appears, to look it. Now, it is alleged on the part of the prosecution as one of their grounds of argument to bring this charge home to the prisoner, that she had the key of these rooms of the Doctor's, that she could have gained access to them and must have been in them to make out their theory at the time he returned and wont into ker room, because their theory cannot stand access to the round of make out their theory at the time he returned and wont into ker room. of the window of the room, which was near by the instrument case, was found lighted in the morning precisely as it was left at night as the Doctor had turned it up when he came ic, with "head pretty wellon," I think was the e-pression used—some that it was "full on," and some that it was "not quite full on." You remember I asked the question—I had a motive for it—whether the light was sufficient to enable a person sitting in this chair at the desk to read. Ny object in asking was to see how generally it lighted the room and the answer was, you remember, in the affirmative; and the room not being a very large one must have been very fully lighted. Doubtless the Boctor was exacted there examining his bank book, or perhaps reading the newspaper, and the person who inflicted the wound on the right shoulder must necessarily have approached from behind him. Now one of the witnesses stated in the persone of the Court that this blow was inflicted while the decessed was sitting, and in this opinion the other witnesses concur. Dr. Uni says it must have been while he was sitting, because, being on the right shoulder, there were drops of blood on the right side of the chair, which indicated that they had fallen from the wound on the shoulder. One of the physicians seems to think that this wound must have been inflicted by a person taller than Dr. Burdell, and it is for you to say gentlemen, if it was inflicted while he was sitting, or whether or not it must not have been by a person taller than Dr. Burdell, and it is for you to say gentlemen, if it was inflicted while he was sitting, or whether one it must not have been by a person taller than Dr. Burdell, and it is for you to say gentlemen, if it was inflicted while he was sitting, or whether one it must not have been by a person taller than the statement there seems to have been something either in the shape of a cord, or a handkerchief, or a rope, or something that was dangered by a handkerchief, by the pulting of a handkerchief, chaking in fail there were the been some which was spoken or by Dr. Uh first as his head was pushed into the corner of the room. I think, gentiemen, this theory is well maintained by the evidences in the case; that all the other wounds upon the body were on the left side, and none upon the right side at all—not one of them. In the first piace, here was a wound on the left cheek bone. You see the theory harmonize exactly with the evidence. Thus he was wounded here between the two carotid arteries, which was a fatal wound, and the one that caused that jet or spirt of blood. Then the wounds in the side, the wounds in the abdoman and the wound in the left arm—which was doubtless raised—and the shrasion upon the right arm, were necessarily caused by and must have been received in the condition. It seems, if I have correctly looked at the testimony that the person who inflicted the wounds had the Doctor in the corner of the room, and that the wounds were thus inflicted which caused his death; that he must have dropped down almost instantance.

amount of force necessary to indict these wounds. In reference to this point it will be messary for you to consider the evidence of the wints see, and your own obe vivation as to the force necessary to inflict such wounds, they this in the abouder, this in the arm, the wound through the lappel of the cost and west through the shirt and under shirt into the cartiages in the throat, and in this connection also you are to take into consideration of the testimony of Dr. Catlin, in reference to the alleged dealility of the prisoner, by reason of the theorem to the alleged dealility of the prisoner, by reason of the theorem was the area all the testimony on the subject. The theory was started that this wound on the right sale was inflicted by a left handed person. Dr. Francis thought it might be, or might net. You will judge, from the position of the body and of the wands, if you carred the prisoner was the should be also all the second of the world. By the testimony of Dr. State of the should be such as the prisoner was left handed person. The theory of the presention is, that sleft handed person that would appear that the release the state of the s

During the delivery of the charge the most profound silence was observed throughout the vast assembly, at its close there was an attempted manifestation of approval, which, however, was quickly repressed by

at its close there was an attempted manifestation of approval, which, however, was quickly repressed by the officers.

Mr. Bartolf, an officer of the Court, was then sworn and put in charge of the Jury, who at 7 o'clock retired. At this time Mrs. Cunningam was resting her head upon a chair in front of her, her daughters were still seated at her side, fanning themselves beneath their thick brown veils to partially escape the effects of the heated and unhealthy atmosphere which porvaded the room. The counsel arose and began to indulge in familiar conversation, and the auditors began to speculate among themselves as to how many minutes would pass before the Jury would return with a verdict of acquittal. About ten minutes after the Jury retired an announcement was made that they had agreed upon a verdict, and it was momentarily expected that they would return in Court. The statement, however, was unauthorized, as it was not until 7½ o'clock that the officer informed the Court that the Jury were teady to render their verdict. By direction of the Courr'the folding doors between the Marine Court room, where large portion of the audience was assembled, and the Circuit Court, where the Court, counsel and prisoner were seated, were closed, it being a measure to prevent any demonstrations of appliance, always so inappropriate in a Court of justice.

The Jury then returned to their seats. In a moment the audience became involuntarily silent, and Mr. Vandervoort (the Clerk) called the names of the Jury as follows:

Mr. Vandervoort (the Clerk)—Gentlemen of the Jury, please to answer to your names.

The Jurors answered to their names in the following

order:
Gilbert Oakley,
Gilbert Dakley,
Norton, John Gre-George Tugnot, David W. Doughty, Frederick A. Guetz, John Archibald, Gilbert W. Barnes, Channey L. Norton, Francis K. Galagan, William L. Lockwood, Charles F. Hunter, Luke C. Coc.

Mr. Vandervoort-Gentlemen of the Jury, have you greed to your verdiet?
Foreman-We have.
Mr. Bartolf approached Mrs. Cunningham and
Mr. Bartolf approached Mrs. cunningham and

directed her to arise. She did so, evincing in the act a seeming unconsciousness of what was transpiring about her; she stood still and motionless until her eyes,

without expression, turned toward the Jury.

Mr. Vandervoort—Jurers, look upon the prisoner;
prisoner, look upon the Jurors. How say you, gentlemen, do you find Emma Augusta Cuntingham, other

men, do you find Emma Augusta Cunningham, other-wise called Burdell, guilty or not guilty.

The Foreman—In a subdued tonef—Nor GULLTY.
The words had hardly been announced before there
was an attempt to appland the verdiet, but the prompt
action of the follows: pression of the feeling.

Mrs. Cunningham stood for a moment entirely un

conscious, but the the buz of satisfaction that brok the silence startled her and she sank into her chair is a state of partial swoon. Judge Dean and Mr. Clin ton supported her and gave her the assurance that it was "all right," which was the first consciousness she had of her acquittal. A few brief moment passed when she had sufficiently recovered to be conucted with her daughters from the court-room to th ducted with her daughters from the course to a Marine Court chamber, where she received the congratulations of her friends and the Jury. An hou later, she and her daughters, accompanied by Isaac J. Oliver, were rolling in a carriage toward the house No 31 Bend street, where they will remain for the present

THE SCENE IN THE JURY-ROOM.

A few moments after retiring the Jury proceeded to take their first ballot. Mr. Coe, one of the Jury, of jected to voting then; he stated that on being exar ined as to his competency to sit in the case he had an swered the different questions as his conscience dic tated, and after he had been accepted by the counse he asked the Judge to be excused from sitting in the case, and had begun to state as a reason why his request should be granted, that he was an quaintance of the Cunningham family, which fact might place him in a position where he would be liable to public censure. The Court however, refused to hear his request, and h was compelled against his will to take his seat. His anticipations had been realized; the fact of one of the Jury being an acquaintance of the family having been alluded to in the remarks of the counsel, and having been commented upon by some of the public journals in view of these facts, he declined to vote on the first ballot. The propriety of Mr. Coe's refusal was dis cussed for some minutes, after which the other mem-bers of the Jury acquiesced, and the ballot was taken which stood eleven for acquittal. Mr. Coe not vot ing. The second ballot was then had, Mr. Coe voting with the others for an acquittal DISCHARGE OF J. J. ECKEL ON HIS OWN RECOGNIZANCE. After Mrs. Cunningham had left the room, John Graham, counsel for Mr. Eckel, arose and addresses

"If your honor please, after the rendition of the ver diet in the case, I move the Court that Mr. Eckel be distinct the case, I move the Court that Mr. Eckel be discharged on his own recognizarce. It would be an outrageous injustice to send him back to prison tonight. The learned District-Attorney is too good a judge of his duty to the community not to be aware that in a charge involving the lives of two human beings, it would be a great injustice to the community to try the weakest case first. We are bound to presume, from the intelligence which we all of us award hun, that he placed the prisoner just liberated by the verdict of the Jury, on trial, supposing that the case against her was the strongest. That would determine the case as against Mr. Eckel. The whole of the prosecution's theory against Mr. Eckel, under which

the Court as follows:

he has been indicted and restrained of his liberty for three months, has been that he, at the paramour of the prisoner just discharged, sided and participated in the commission of the murder. In other words, that he was a kind of principal in the second degree, or at all events had some knowledge which might render him amenable as accessory before the fact. Now, whatever his relations to the crime were, if he had any relations to it at all, it is evident that he did not occupy, under the theory of the prosecution disposed of by the present verdict, the relation of a principal in the first degree, because the prisoner who has just been discharged has been indicted as the sole actor in the commission of the murder. The people, by their Grand Jury or the theory of their Grand Jury, having presented her as the sole actor in the commission of the commission of the mander. The people, by their Grand Jury or the theory of their Grand Jury, having presented her as the sole actor in the commission of that crime, and having falled to establish that crime against her as a principal in the first degree, it is idle to suppose that Mr. Eckel could have any relation to the crime, either as principal in the second degree or as accessory before the fact. I do not intend, unless it should become necessary for the purpose of showing his Honor the justice as well as the humanity of this motion, to dilate on the circumstances, unless it be rendered necessary by the District-Attorney opposing it. But I submit to the Court that this case, which has been all along supposed to attract to it the case of Mr. Eckel, having been decided in favor of the defense, and the prisoner in the case having received an honorable discharge at the hands of a Jury of her countrymen, it would be most inhuman as well as most outrageous and indein the case having received an monorable discharge at the hands of a Jury of her countrymen, it would be most inhuman as well as most outrageous and indecent, to compel Mr. Eckel to remain in prison—not even exacting from him any bail for his appearance beyond his own bail, until the Court of Oyer and Terminer be ready to try the case. Mr. Eckel is a man of very high character in this community, a man as little capable of entering into a deed of this kind as—if I may say so with respect—his Honor on the bench—a man surrounded by friends, composing the most ornamental members of society; a man who could have no inducement to enter the perpetration of such a deed; a man who had many friends to whom he had only to apply for any amount of money he needed; a man who is at the head of an extensive and prosperous business, and who has been drawn from that business on a supposition which has been proved by the verdict of an honest Jury to be unfounded, even against the principal. Now, under these circumstances, I submit to this Court, and I ask of its humanity, as well as out of justice to the prisoner, to manity, as well as out of justice to the prisoner, t make an order that until the time to which this Cour adjourns, the Court order the prisoner to be discharge on his own recognizance. Id not know that the Di-trict-Attorney will make any opposition.

The District-Attorney was not disposed to oppose

the motion. He moved, however, to have the cas referred to the Court of Sessions.

Mr. Graham asked the District-Attorney not to pres that motion till he should have an opportunity of con sulting his associate counsel.

Mr. Hall said he would not press the motion.

Judge Davies-What is the amount of Mr. Eckel's property? Mr. Graham-From \$10,000 to \$15,000, I under

stand.

Judge Davies-Would \$5,000 bail be adequate? The District-Attorney—Ample.

Judge Davies (to the Clerk)—Take Mr. Eckel's re

cognizance in \$5,000. The recognizance was taken, and Mr. Eckel was

discharged from custedy.

We understand that Eckel will insist upon a trial of his case, that he may be acquitted by a Jury, and that the case be not finally closed by a nolle prosequi entered by the District-Attorney.

Soon after Mr. Eckel's discharge the audience left the building.

THE NEWBURGH MYSTERY.

The Coroner's Jury met by adjournment on Saturday, but no new facts were elicited, nor any clue developed which could be named with certainty. The Coroner is exceedingly careful in the exercise of his official power, and, if the heartless perpetrator is to be discovered at all, the cautious but deliberate manner in which Dr. Fenton is proceeding in this case will doubtless bring the offender to justice. The Jury did nothing on Saturday beyond a mere exchange of theory and opinion. After a short session they adjourned.

They have deemed it best not to be discharged yet, inasmuch as the leaving of the inquest open places the Coroner in a position where he can act at any moment, should anything new turn up warranting immediate attention. Were he to discharge the Jury, it would require some time to reach, by due process of law, any party who might be suspected; as it is, however, the the Coroner can call upon any party upon whom suspicion may be fastened, to serve as a witness, and if the testimony given should justify the holding of that witness, then the Coroner has power to hold him to bail or keep him in custody. For this reason the Coroner at Newburgh thought it best not to discharge the Jury until the discovery of the murderer had becom hopeless. Meantime, Coroner Fenton and several other respectable citizens in Orange County have written to Gov. King, soliciting him to offer a reward for the discovery of the murderer of the unknown woman. It is considered that a reward will do something effectual in bringing to light something new in relation

to the mystery which now envelopes this case. turning to their mental equilibrium. The excitement caused by the identification of Sarah Bloom, and the determination to treat Mr. Jenkins as a murderer seems to have died away. The only curiosity which at present remains ungratified is, how the suspicion first came to be fastened on Jenkins, or why Sarah Bloom had any claim to be murdered. It is thought that parties interested in the affair raised the alarm in order to lead justice upon the wrong track; but as this game has proved unsuccessful, no doubt the leaders of this alarm will be duly looked after. The information gleaned by our reporter last week in reference to the connet found floating upon the river, and the trunk found in a field close by where the body of the murdered woman was found, have turned out to have no connection with the case whatever, having, upon further inquiry, been fully disposed of satisfactorily. bonnet had but a short time previous to its being picked up been cast off and thrown into the river, without the slightest idea of its ever becoming a circumstance in a chain which would link it to a case murder. As to the trunk, it is accounted for by a Dutchman, who one day last week started out on tramp," with the trunk on his back. Traveling for a length of time, he got warm, and began to feel himself sinking under his load, and after duly deiberating upon the proper course for him to pursue in the further progress of his journey, he concluded to unpack his trunk and pitch it to the four winds, or de posit it with an air of independent carelessness, and carry his clothing in a more portable bundle. Thus the new stories which, under the circumstances, naturally gave place to the widest scope for suspicious have been explained. It may not be out of place here to state that The Paterson Guardian, a day ar two ago, intimated that a rumor prevailed that the body found at Newburg was that of a Paterson girl which had been missing for some weeks; but on Friday The Guardian again referring to the subject has the folowing statement:

lowing statement:
"The Paterson girl is not the person murdered at
Newburg. Her friends are well satisfied from the
published description that it is not she."
Such is the state of the case at present.

From The Neeburgh Daily News, Saturday.

The silk bounct story has already been disposed of it was a cast-off affair, thrown into the river. The trunk story is as baseless for a theory. It seems a Dutchman, who resides near Mariboro, left the house Dutchman, who resides near Mariboro, left the house of a former employer with his trunk on his back, but after walking a mile or so, finding his load too heavy, packed his traps into a bundle and threw the old trunk over the fence. The idea in regard to its being an anatomical subject is simply ridiculous. Decomposition had bardly commenced on the day on which the body was deposited in the vault. When found the body was fresh, and life had evidenty but recently denated.

So far, nothing whatever is known in regard to the matter, and perhaps never is known in regard to the matter, and perhaps never will be. The most reasonable theory in regard to the place of the murder itself is that advanced by Dr. Ely, whose conclusion is that strangulation took place on or near the spot where the body was found, and that the blow which fractured the kell was given after the body was taken over the fence. This conclusion he arrived at from the appearven after the bod conclusion he arriv fence. This conclusion he arrived at from the appearance of the blood on the spot, and from certain contusions on the person. But who the hapless girl was, what was the motive of the murder, and who committed the foul deed, is a profound mystery. Hopeless as now seems the task of bringing the bloody perpetrator

to justice, no effort should be spared to that end, and believernene will be.

A BAND OF ROBBERS.

The General-Chief of the police of St. Petersburg, whose functions, in many respects, correspond to those of our Mayor, has just published a report concerning the capture of a band of robbers, whose operations have been carried on upon a gigantic scale-outdoing in conception and smartness all the garroters in London or in this country. It seems that the first robberies were committed in November last in the more distant districts of the city, and that they were rapidly extended, so that in February they reached the center of the capital. Notwithstanding the arrest of various individuals, the police were long unable to get at the real culprits. The robbers, who went into the streets with very fast and powerful horses. were wont to jump from their sleighs, stop foot passengers, rob them in a moment, and disappear with the plunder. Sometimes they were so bold as even to attack persons driving in sleighs like themselves, and to tear from them their capes and furs. It was with the greatest difficulty that the police finally precured and published a description of some of the villains, as they and their drivers continually changed their clothes and their horses. After this the robberies were usually accompanied with personal violence. At last the investigating judge in one of the districts succeeded in laying his hand on five suspected individuals, among them two drivers with their horses and sleighs. Several objects of value were found in their possession. This facilitated the arrest of the whole band, and the finding of a great quantity of stolen property. The robbers were organized in two distinct parties communicating with each other, meeting often at different places to impart mutual information, divide the produce of their labors, and arrange new operations and new devices to baffle all attempts at liscovery. The band was composed of twenty-four persons of various occupations. The General-Chief of the police announces to the public that they can henceforth be perfectly tranquil, as no robberies are now committed in any part of the city. When will the police of New-York be able to give us a similar assurance?

THE QUARANTINE FIRE.

Governor King has very properly and promptly issued the following proclamation, offering a reward for the discovery and arrest of the incendiaries who set fire to the Quarantine buildings at Seguine's Point:

set fire to the Quarantine buildings at Seguine's Point:

PROCLAMATION.

By Jons A. King, Governor of the State of New York.

It having been made known to me by an official communication, addressed to me by George Hall, Egbert Bensen and Obadiah Bowne, Commissioners for the removal of the Quarantine Station, and verified by the affidavit of Samuel Fitzpatrick, an eye-witness, that on the night of the 6th of May inst., about the hour of 12 o'clock, the valuable Mansion House on the land known as the "Wolfe Farm," at Westfield, in the county of Richmond, lately purchased by the said Commissioners in behalf of the people of the State, in pursuance of an Act of the Legislature, for the purpose of being temporarily used as a Quarantine Station, together with the farniture therein, and also a Farm House and outbuildings upon the same premises, were willfully burned to the ground by a numerous and unlawful combination of persons, assembled for that purpose, whose names and persons are unknown; and the said Mansion and Farm House being at the time inhabited; now, therefore, considering the extraordinary character of this during and high-handed offense, comprising not only the wanton destruction of the property of the State, but the capital crime of Arson, I do hereby offer a reward of TWO THOUSAND FIVE HUNDRED DOLLARS to any person or persons who shall give information that shall lead to the detection, ap-

offer a reward of TWO THOUSAND FIVE HUNDRED DOLLARS to any person or persons who shall
give information that shall lead to the detection, apprehension and conviction of the perpetrators of the
said crime, or any of them.

And I do hereby also chioin it apon all civil officers
in the County of Richmond and elsewhere, charged
with the duty of enforcing the laws, to be vigilant in
their endeavors to bring the offenders to justice.

In witness whereof, I have becount affixed my nan and the Privy Scal of the State, this Eighth day [L. s.] of May, in the year one thousand eight hund and fifty-seven.
(Signed)

JOHN A. KING. THE MAY ANNIVERSARIES.

MONDAY, MAY II. American Scamen's Friend Society—The Anniversary will be id on Monday evening, May 11, at 7; o'clock, in the Four-nth-street Pre-byterian Church (Dr. Asa D. Smith's). The exters are announced as the following: The Rev. T. L. Guy, Joseph Hoxte, e-eq. and the Rev. Dr. S. H. Tyug. Union Theological Seminary.—Anniversary, Mercer street arch, 7; p. m.

N. Y. Socrity for Promoting Education among Colored Chilers.—Annual Election of 21 Trustees, No. 19 Thomas street, 4; p. m.

dren.—Annual Election of 21 Tribben of N. Y.—Firth Annual Young Men's Christian Association of N. Y.—Firth Annual Young Men's Charist Church, Theory-third street, be-

sented.

New York Sunday School Union.—The General Anniversary
will be held on Tuesday evening, May 12, in the Central Presbyterian Church, Broome street, beginning at 75 o'clock. The day anniversaries by the Sunday schools will be b 12 in various churches in different parts of the city, b

at 3 p. m. New York Colonization Society.—This Society will hold its sunual meeting on Tuesday, May 12. The hour and place have t been announced.
American Anti-Slavery Society.—The following are the an

therican Anti-Slavery Society.—The following are the announcements by this Society.

The Twenty-fourth Annual Meeting of the American AntiSlavery Society will commence in the City Assembly Rooms
(No. 446 Broadway, between Howard and Grand streets), in the
City of New York, on Toesday, May 12, at 10 o'clock a.m.
Wm. Lloyd Garrison, T. W. Highmon, Parker Pillsbury and
Wendell Philips are expected to speak at the first session.

This Society will meet at the same piace on Tuesday evening,
at 75 o'clock, admittance 10 cents, and oasin on Wednesday, at
10 a.m. and 9 p. m. admittance from The arrangements for
public speaking of these sessions are not yet completed, but
among those who have been invited to speak, are the Rev. G.
B. Cheever, the Rev. I. R. W. Slosne, the Rev. W. H. Furners,
the Rev. Theodore Parker, Wendell Phillips, Laoy Stone, the
Rev. O. B. Frethingham, Robert Purvis, and C. L. Romend.
Mercantile Library Association.—Annual Meeting, Clinton
Hell, Astor piace, 75 p.m.

The Part Society.—The 99th Anniversary will be held at the
Mariners' Church, cor. Madison and Catharine-ste, at 75 p.m.

Wennesday, May 13.

American Tract Society.—The Sun Anniversary was a straight in Mariners. Church, oct. Mailson and Catharineste, 2875 p. m. WEDNESDAY, MAY 13.

American Tract Society.—The annual business meeting will be held in the lecture-room of the Ray. Dr. Hutton's Reformed Outch Church, on Wednesday morning at 9 o'clock.

The Anniversary exercises will begin at 10 o'clock in the main

The Anniversary exercies will begin at 10 o'clock in the main building.

New York Anti-Slavery Society.—This (city) Suclety will held its Anniversary at the City Assembly Rooms, Wednesday evening at 70 o'clock.

American Congregational Union.—The Annual Meeting will be held on Wednesday, May 13, at 104 a. m., in the Church of the Puritans, on Union square. Address by Prof. Shepard of Banger, Me. Subject: "The Congregational Musistry of New-England."

The Business Meeting and the Collation will be held on Thoraday.

The Business Meeting and Moraday.
Thursday.
American Home Missionary Society.—The Thirty-first AnniAmerican Home Missionary Society will be held

2 p. m. Associated Alumni of N. Y. Union Theological Society—Fif-teenth Anniversary, Chapel of Institution, 3 p. in. American Anti-Starery Society (second day)—City Assembly Rooms, 10 a. m. and 3 p. m. N. Y. Infirmary for Women and Children—Opening services, Infirmary, or, Crooby and Bleecket streets, 2 p. m. Institution for the Blind—Anniversary Academy of Music, Fourteenth street 4 p. in. N. Y. Informacy of the Blind-Anniversary Academy of Institution for the Blind-Anniversary Academy of Fourteenth street, 4p. in.
National Academy of Design-Annual meeting of the Academicians, Council Rooms, No. 559 Thirteenth street, 7p. in.
American Systematic Beneficiency Society-Annual meeting,
Brooms street Central Presbyterian Church, 3p. in.
Five Points House of Industry-Annual Meeting, Dr. Chaever's Church, 2p. in.
THURSDAY, MAY 14.
Bible Society—The Anniversary of the American

THURSDAY, MAY 14.

American Bible Society.—The Anniversary of the American Bible Society will be hold on Thursday, May 14, beginning at 19 a.m., in the Rev. Dr. Cheever's charren, ou Union square.

American Congregational Union.—The annual business meeting will be held on Thursday, May 14, in the lecture room of the Church of the Puritans, on Union square. ing will be held on Thursday. May 14, in the lecture-room of the Church of the Poritans, on Union square, at 3 p. m. same day, at the City Assembly Rooms, on Broadway, between Canal and Grand streets, beginning at 7 p of circle.

American Temperamor Union.—The Anniversary will be held on Thursday evening. May 14. The place has not yet been deserted to the contract of the contract

contensial Celebration of the Institution of the New Church— Service at Chapel in Eleventh street, between Third and Fourth avenues, 105 a.m. Social Reunion and Concert at Dodworth's Hall, No. 56 Broadway, 8 p.m.

Institution of the Doaf and Dumb.—The Thirty-minth Anniversary, Church of the Purfuna, Union-square, corner Fifteenth street and Union piece, 4 p.m.

American Abolition Society.—Public meeting, City Assembly Rooms, No. 448 Broadway, 10 a.m. and throughout the day.

Ladies' Five Points Mission.—Anniversary, Academy of Music, 74 p.m.

FRIDAY, MAY 15.

PRIDAY, MAY 15. A. B. C. F. M—The annual meeting of the American Board of Commissioners for Foreign Missions will be held in Dr. Cheever's church, on Friday, May 15, beginning at 10 o'clock n New Church Centennial Celebration (Second day).—Ocation by Rev. George Bush, Hope Chapel, 8 p. m.

by Rev. George Bush, Hope Chapet, 8 p. m...

SATUEDAY, MAY 16,

Centennial Celebration of the New Church (Third day).—

Meeting for discussion and addresses, Hope Chapet, 10 a. m.

SUNDAY, MAY 17.

Centennial Celebration of the New Church.—Divine services and communion at the Chapet in Eleventh steret.

CITY ITEMS.

BROADWAY THEATER. - The new spectacle, "The Son of the Night," is to be played every night this BURTON'S THEATER.-Mr. Edwin Booth appears to

night as "Romeo," and the popular Mrs. E. L. Daven-port will enact Juliet, it being her first appearance at this theater. WALLACK'S THEATER .- Mr. James Wallack, sea.,

makes his first appearance this season in Rienzi, in Muss Mitford's historical play of that name. Mrs. Buckland (Kate Horn) will act Lady Colonna, this being the first time she has performed for nearly three

LAURA KEENE'S THEATER .- Two new pieces are announced at this house for to-night, the one a comedy called "Nature and Art," and the other a burlesque entitled "Variety."

BARNUM'S MUSKUM .- During the last week, a drame n five acts, entitled " Neighbor Jackwood," has been performed eight times, and premises to be attractive for sometime longer. It is concected from the novel of the same name, by the author, J. T. Trowbridge, esq. We do not think the drams so successful a work as the book, although it seems to be an interesting play to those who are not familiar with the gree beauties of the story. It is very nicely put upon stage unusual attention having been given to the scenery and gettirg up. Neighbor Jackwood is personated by Mr. C. W. Clarke; the part affords no great opportunity for the display of the actor's powers, but he renders it in a very quiet and effective manner, Miss Orten, a young lady of more than average prom ise, has made a decided hit as the mischievous boy, Bimlech. Mr. Hadaway and Miss Mestayes have both good parts. It is to be played all this week

Lord Napier went the other day to see Church' great picture of Niagara, which is now daily attracting a throng to Messra. Williams & Stevens's. His lord ship looked at it with interest and pleasure. " Finedevilish fine! Who did you say was the artist? Mr. Church." "Ah! Church. When did be com over?

THE SEVENTY-FIRST REGIMENT, AMERICAN GYARI commanded by Col. Vosburgh, have a public drill th. evening, at the Division Armory, corner of White and Elm streets. Seats and platform have been erected for the accommodation of ladies and gentlemen.

Messrs. Bangs & Co. will this afternoon begin the sale of the choice libraries of the le . Rov. Dr. Schroeder, Dr. Beck, and others. The satalogue contains many bibliographic rarities.

CITY MORTALITY.-The City Inspe tor reports 390 deaths during the past week-a decrease of 60, as compared with the return of the week previous. The following figures exhibit the number of deaths during the past two weeks, among adults and children, distinguishing the sexes:

Men. Women. Boys. Orls. 744

Week ending May 2. 101 77 1.56 113 448

Week ending May 9. 55 67 266 98 388

Among the principal causes of death were the fol-lowing: Consumption, 41; convulsions (infeatile), 22; inflammation of the lungs, 25; scarlet fever, 34; measles, 5; marasmus (infantile), 21; dropsy in the head, 19; Smallpox, 5; croup, 15. There were also 5 deaths of apoplexy, 7 of bronchitis, 5 of congestion of the liver, 7 of debility (infantile), 4 of diarrhea, 7 of disease of the heart, 8 of inflammation of the bowels, 4 of teething, 6 premature births, 27 stillborn, and 19 from violent causes.

The following is a classification of the diseases and

the total number of deaths in each class of disc during the past week: Boned, joints, &c., 6; brein and nerves, 72; generative organs, 10; heart and bleed vessels, 14; lungs, throat, &c., 111; stillborn and prenature births, 33; old age, 2; skin, &c., and eruptive fewers, 48; stomach, bowels, and other digestive organs, 57; uncertain seat and general fevers, 34; unknown, 1; urinary organs, 4-total, 392.

The number of deaths, compared with the corresponding weeks in 1855 and 1836, was as follows:

The nativity table gives 289 natives of the United States, 58 of Ireland, 27 of Germany, 7 of England, 3 of Scotland, 2 of Holland, and I each of France, Po-land, Prussia, Switzerland, Wales, and the Wort In-

Saturday, charged with taking a letter from the Post-Office belonging to Mrs. Starkweather, breaking open the same and appropriating some money; which he found therein to his own use. He was come examination.

DEATH OF A POLICE OFFICER. - Henry B. Man M Lieut. of the Sixteenth Ward Patrol District, died vesterday morning at his residence after a severe liness of several weeks. He leaves a wife and severa mall chlidren.

ARREST OF A NOTORIOUS PRIZE-FIGHTER .- Yes terday morning Officer Brown of the Lower Police Court arrested, on a bench warrant issued by the Court of Sessions, Barney Aaron, a professional fighter, and conveyed him before Justice Connolly, who, in default of \$500 bail, committed the pugilistic individal to prison.

At the prize fight that occurred, some year or more ago, between Andy Kelly and Charley Lynch, Barney Aaron was one of the seconds of Kelly. The fight took place near the Palisades, on the Hudson River, and drew together a large concourse of fighting mea and bullies. Kelly was so badly punished by his antagonist that he died within a few hours after his re-ception in the Bellevue Hospital, where he was placed under an assumed name by two men who said that h had been beaten by some butchers, and that they had found him in the street. The two men then left, and were not afterward seen.

Lynch, one of the principals, made his escape before the body of Kelly was identified, and he is now a fugitive from justice.

Barney also escaped, and went South for the benefit

of his health, and his particular whereabouts has been known until about three weeks ago, when he made bis appearance in Philadelphia, where be eagaged in a fight with one of the Quaker City pugilists for \$75 a side. Considering that the Lynch and Kelly tragedy was forgotten, Barney, a few days ago, returned to the city and revisited his baunts in Water and Cherry streets, where he was arrested, as before stated. It is more than likely that this "profession fighter' and ruffinn will meet with his deserts.

ANOTHER STABBING CASE .- A man who gave is name as Archibald Sullivan was arrested on Saturday evening on a charge of having severely, if not fatally, wounded Mr. J. Wild of No. 199 West Fortyfirst street by stabbing him in the left side with a knife. Mr. Wild was unable yesterday to appear against Sul-livan, on account of the severity of his wounds. Justice Flandreau therefore committed Sullivan to prison for examination.

AGGRAVATED ASSAULT UPON A POLICEMAN .-Officer J. J. Mornet, while in attendance at Wallack's Theater on Saturday evening last, observed some wellknown characters lounging about the entrance, ap-parently awaiting to engage in some light-fingered operation, and told them to clear out, when one of the party, who gave his name as James McCarthy, made s most violent assault upon the above-named of severely injuring him. McCarthy was finally secured. ng taken before Justice Flandresu Jefferson Market Police Court yesterday, he was held to ball in the sum of \$1,000, and in default of which he was committed to snawer.

New STATE LAWS. -Mr. Googge E. Baker has goods.